



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/675,361

Filing Date

September 30, 2003

First Named Inventor

David L. Kirschman

Art Unit

3738

Examiner Name

Attorney Docket Number

KRS 001 P2

ENCLOSURES

(Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Return Card

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

JACOX, MECKSTROTH & JENKINS

Signature

Printed name

MATTHEW R. JENKINS

Date

12-13-04

Reg. No.

34,844

CERTIFICATE OF TRANSMISSION/MAILING

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Rebecca Lantis

Date

12-13-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant(s) : David L. Kirschman
Serial No. : 10/675,361
Filed : 09-30-2003
Title : Spinal Fusion System And
Method For Fusing Spinal Bones
Group : 3738
Docket : KRS 001 P2

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97(b)

Pursuant to the provisions of 37 CFR §1.97(b), Applicant(s) wishes to disclose the materials listed below and on the attached form PTO/SB/08A which the Examiner may find relevant to the examination of the above-identified patent application. Pursuant to the Official Gazette Notice of August 5, 2003, waiving the requirements under 37 CFR §1.98(a)(2)(i), Applicant(s) believe copies of any U.S. patents or U.S. patent applications are not required. Copies of any Foreign or Non-Patent references are enclosed herewith.

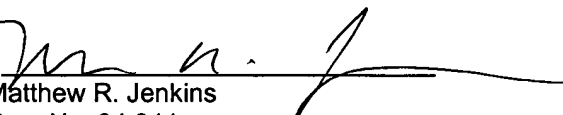
Patent No.	Issued	Applicant/Inventor(s)	Title
5,876,402	03-02-1999	Errico et al.	Anterior Spinal Polyaxial Locking Screw Plate Assembly Having Recessed Retaining Rings
5,951,558	09-14-1999	Fiz	Bone Fixation Device
6,235,034	05-22-2001	Bray	Bone Plate And Bone Screw Guide Mechanism
6,293,949	09-25-2001	Justis et al.	Superelastic Spinal Stabilization System and Method
6,306,139	10-23-2001	Fuentes	Intervertebral Connection Device With An Anti-Extraction Device To Prevent Extraction Of Anchoring Screws
6,413,259	07-02-2002	Lyons et al.	Bone Plate Assembly Including A Screw Retaining Member

6,503,250	01-07-2003	Paul	Bone Support Assembly
6,602,256	08-05-2003	Hayes	Bone Stabilization Plate With A Secured-locking Mechanism For Cervical Fixation
6,620,163	09-16-2003	Michelson	Anterior Cervical Plating System And Bone Screw
6,626,907	09-30-2003	Campbell et al.	Anterior Cervical Plate And Fixation System
6,652,525	11-25-2003	Assaker et al.	Anterior Implant For The Spine

The filing of this Supplemental Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b). By filing this statement, Applicants are not making any representation as to whether any of the references referred to herein are material. Further, Applicants cite these references without prejudice, and Applicants reserve the right to contest the status of these references as prior art.

Respectfully submitted,

JACOX, MECKTROT & JENKINS

By 
Matthew R. Jenkins
Reg. No. 34,844

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Dayton, OH 45419-1575
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November 30, 2004



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	10/675,361	
			Filing Date	09-30-2003	
			First Named Inventor	David L. Kirschman	
			Art Unit	3738	
			Examiner Name		
Sheet	1	of	1	Attorney Docket Number	KRS 001 P2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. 1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US- 5,876,402	03-02-1999	Errico et al.	
		US- 5,951,558	09-14-1999	Fiz	
		US- 6,235,034	05-22-2001	Bray	
		US- 6,293,949	09-25-2001	Justis et al.	
		US- 6,306,139	10-23-2001	Fuentes	
		US- 6,413,259	07-02-2002	Lyons et al.	
		US- 6,503,250	01-07-2003	Paul	
		US- 6,602,256	08-05-2003	Hayes	
		US- 6,620,163	09-16-2003	Michelson	
		US- 6,626,907	09-30-2003	Campbell et al.	
		US- 6,652,525	11-25-2003	Assaker et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. 1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.